

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6888**

**BILL NUMBER:** HB 1483

**NOTE PREPARED:** May 1, 2009

**BILL AMENDED:** Apr 6, 2009

**SUBJECT:** Off-Road Vehicles, Farm Wagons, and Golf Carts.

**FIRST AUTHOR:** Rep. Lehe

**FIRST SPONSOR:** Sen. Hershman

**BILL STATUS:** Enrolled

**FUNDS AFFECTED:**    **GENERAL**  
                          **X DEDICATED**  
                          **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill:

- (1) defines "farm wagon" as including three-, four-, and six-wheeled motor vehicles with a folding hitch that is used for certain purposes;
- (2) prohibits a certain type of farm wagon from operation on an interstate highway, or a state highway, except under specific circumstances;
- (3) authorizes an individual at least 15 years of age to operate a motorized farm wagon on a highway;
- (4) prohibits the use of a motorized farm wagon operated on a highway to tow another vehicle;
- (5) prohibits an individual from operating a golf cart on a highway, except when a city or town has adopted an ordinance authorizing the use of golf carts on the city's or town's highways;
- (6) specifies that an ordinance: (A) may require that a golf cart display a slow-moving vehicle sign or a red or amber flashing lamp;(B) must require an individual operating a golf cart in the city or the town to hold a driver's license;
- (7) requires financial responsibility for golf carts operated pursuant to an ordinance
- (8) requires a person removing a wrecked or damaged golf cart from a highway to remove any glass or other foreign material dropped upon the highway from the golf cart; and
- (9) makes conforming amendments.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** This proposal expands the definition of farm wagon. Farm wagons are exempt from the payment of registration fees under IC 9-18-3-1. To the extent that the new definition of farm

wagon includes vehicles that otherwise would be subject to registration fees as off-road vehicles, there will be a reduction in registration fees, currently \$30 every three years.

The fund affected is the Off-Road Vehicle and Snowmobile Fund of the Department of Natural Resources and is used for enforcement, construction, and maintenance of vehicle trails. The number of farm wagons in the state is not known.

(Revised) *Penalty Provision:* It is not known how many violations will occur from using golf carts on a highway. If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), the public defense administration fee (\$3), the court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

(Revised) *Potential License Fees:* Requiring the operator of a golf cart to possess a driver's license may increase the number of driver's licenses in the state. The fee for a driver's license is \$14. The following funds are affected.

<b>Distribution of Annual Registration Fee</b>	<b>Fee</b>
Motor Vehicle Highway Account (MVHA)	\$4.00
Crossroads 2000 Fund	\$2.00
BMV Tech Fund	\$0.50
Anti-Terrorism	\$1.25
Bureau of Motor Vehicles Commission (BMVC)	\$6.25
<b>TOTAL</b>	<b>\$14.00</b>

(Revised) *Background Information:* The number of golf carts in Indiana is not known.

The Motor Vehicle Highway Account may be used for road construction, reconstruction, and maintenance for cities, towns, and counties. The MVHA also supports entirely the operation of the Bureau of Motor Vehicles, a significant part of the operation of the Department of Transportation, about 61% of the operation of the State Police, and part of the operation of the state Department of Revenue.

The Crossroads 2000 Fund supports highway bonding.

The BMV Tech Fund supports technology for the Bureau of Motor Vehicles.

The Anti-Terrorism fee supports the Integrated Public Safety Commission (IPSC). The IPSC operates Project Hoosier SAFE-T. Project Hoosier SAFE-T (Safety Acting For Everyone-Together) is an initiative of the IPSC. The Commission works with local, state, and federal public safety agencies to implement a statewide, interoperable, digital, 800 MHz trunked voice and mobile data communications network for public safety officials. SAFE-T will provide 95% statewide mobile coverage through a baseline design of 126 communication sites. SAFE-T seeks to replace inadequate, obsolete, and incompatible communications

systems and allow interagency coordination and response to routine, emergency, and catastrophic events. Public safety agencies independently choose whether or not to participate in SAFE-T.

The BMVC is supported by the state License Branch Fund, which operates the license branches throughout the state.

### **Explanation of Local Expenditures:**

**Explanation of Local Revenues:** (Revised) *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

The bill allows for a fine for violation of the traffic ordinance adopted by a city or town prohibiting the use of golf carts on the city's or town's highways or private roads, or both. This revenue is to be deposited into the general fund of the city or town.

It also provides for a fine for a violation of an ordinance requiring a golf cart to have a slow-moving vehicle emblem or a red and amber flashing lamp. This revenue is to be deposited into the general fund of the city or town.

**State Agencies Affected:** Department of Transportation; Bureau of Motor Vehicles; State Police; Department of Revenue, all as recipients of MVHA distributions.

**Local Agencies Affected:** Trial courts, local law enforcement agencies; cities and towns which adopt the traffic ordinance regarding the use of golf carts; recipients of MVHA distributions.

### **Information Sources:**

**Fiscal Analyst:** Jim Sperlik, 317-232-9866.